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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): Jai 5-4-52

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Application Number	Filed
10/600,995	June 20, 2003

First Named Inventor: Jai et al.

Art Unit	Examiner
2155	Benjamin R. Bruckart

Applicant requests review of the final rejection in the above-identified application No amendments are being filed with this request

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s)
Note: No more than five (5) pages may be provided

I am the

- ☐ applicant/inventor
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3 73(b) is enclosed (Form PTO/SB/96)
- ☒ attorney or agent of record Registration number 36,597
- ☐ attorney or agent acting under 37 CFR 1.34 Registration number if acting under 37 CFR 1 34 _____

Kevin M. Mason
Signature

Kevin M. Mason
Typed or printed name

203-255-6560
Telephone number

April 10, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S C. 122 and 37 CFR 1.11, 1 14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS **SEND TO: Mail Stop AF, Commissioner for Patents, P O. Box 1450 Alexandria, VA 22313-1450**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Jai et al
Docket No: 5-4-52
Serial No.: 10/600,995
Filing Date: June 20, 2003
Group: 2155
Examiner: Benjamin R. Bruckart

Title: Automated Transformation of Specifications for Devices into Executable Modules

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MEMORANDUM IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present invention and prior art have been summarized in Applicants' prior responses.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The present application was filed on June 20, 2003 with claims 1 through 21. Claims 1 through 21 are presently pending in the above-identified patent application. Claims 1-16, 20 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 6,286,038 by Reichmeyer et al., and claims 17-19 are rejected under 35 U.S.C. §102(b) as being unpatentable by Reichmeyer and in view of United States Patent Publication Number 2003/0105838 by Presley.

ARGUMENTS

Independent Claims 1, 20 and 21

Independent claims 1, 20, and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by Reichmeyer et al. Regarding claim 1, the Examiner asserts that Reichmeyer discloses generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements and wherein said one or more input rules comprise one or more executable statements (col. 6, lines 31-42); and generating at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element (col. 10, line 54, to col. 11, line 27). The Examiner further asserts that:

> Reichmeyer teaches *input rules comprise one or more executable statements* because the inputs and input rules are details in which the configuration files are made from....The information is the input rules and elements sent to the server with details about the network device that the configuration file is constructed from. *The information ranges from a) class of service, b) physical address of the device, and c) logical location and addressing data of the device* (col. 4, line 51 - col. 5, line 10). *The input rules are the constraints on the device* such as device type, being "router or switch," connectivity information, and relationship to other devices. ..*These inputs are executed by the central configuration server* to "construct" the configuration file. (Emphasis added.)

Contrary to the Examiner's assertion, the inputs (input rules and elements) cited by the Examiner, e.g. class of service, physical address of the device, and logical location and addressing data of the device, are *not statements that perform actions and are thus not executable statements*, as would be apparent to a person of ordinary skill in the art.

Applicants also note that the present specification teaches that

> *input rules* are also part of specifications for a device and comprise, for example, *a set of checks or constraints or both* that should be performed before or after a configuration element is accessed. The input rules are generally derived from 'domain experts' (typically network specialists). An input rule is *usually represented as a set of executable statements*
> (Page 2, lines 24-28.)

The present specification teaches that

> *output rules* are *determined by using the accessed configuration elements, the input rules, and the way the input rule manipulates its accessed*

> *configuration elements*. Regarding the latter, output rules may be determined to deal with modifications to configuration elements, as explained in more detail below. In an illustrative embodiment, *each output rule is generally derived from exactly one input rule and corresponds to the same input configuration element associated with that input rule*. Output rules may be derived from multiple input rules, if desired.
> (Page 3, lines 7-14.)

Finally, the present disclosure teaches that

> an *executable module* is generated that is *adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element*
> (Page 3, lines 15-17.)

Applicants note that Reichmeyer is directed to generating a configuration file (see, Abstract). Applicants, however, could find *no* disclosure in Reichmeyer of ***"input rules," "output rules," and "executable modules,"*** as defined in the context of the present disclosure. In addition, Reichmeyer does *not* disclose or suggest generating an ***executable module*** *adapted to access at least a given input configuration element and to* ***trigger*** *one or more of the output rules corresponding to the given input configuration element.*

Furthermore, Applicants note that the Examiner equates the "input rules" of the present claims with "the constraints on the device such as device type, being 'router or switch,' connectivity information, and relationship to other devices." Independent claims 1, 20, and 21 require *wherein said one or more input rules comprise one or more* ***executable statements***. Support for this limitation can be found on page 2, lines 27-28, of the originally filed disclosure.

Thus, Reichmeyer et al. do not disclose or suggest generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements and wherein said one or more input rules comprise one or more executable statements; and generating at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element, as required by independent claims 1, 20, and 21.

Additional Cited References

Presley was also cited by the Examiner for its disclosure of performing a circularity check. Applicants note that Presley is directed to a system and method for actively managing an enterprise of configurable components (see, Abstract). Presley does *not*, however, address the issue of generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements and wherein the one or more input rules comprise one or more executable statements.

Thus, Presley does not disclose or suggest generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements and wherein said one or more input rules comprise one or more executable statements; and generating at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element, as required by independent claims 1, 20, and 21.

Dependent Claims 2-19

Dependent claims 2-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Reichmeyer et al., and claims 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reichmeyer et al. in view of Presley.

Claims 2-19 are dependent on claim 1 and are therefore patentably distinguished over Reichmeyer et al. and Presley, alone or in combination, because of their dependency from independent claim 1 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

Date: April 10, 2008

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